

Sri S. SIVAPPA.—They are delicate matters, though they are not secret in that sense.

Mr. SPEAKER.—The Hon'ble Member may say something which I think is fallacious and I may think what Sri Sivappa thinks is fallacious. Where does it lead to? I am prepared to constitute a study group on this matter to prepare notes. I will announce the names if necessary of my own accord with powers to co-opt anybody. I will invite friends to my Chamber. I will invite all the members to the study group.

Sri G. V. GOWDA (Palya).—The Chair was pleased to read the notice issued by the Supreme Court to the Speaker. I would like to know whether he himself would represent this House or he would make arrangements to be represented before the Supreme Court.

Mr. SPEAKER.—I will discuss the matter with the Chief Minister, because he is as much a Member as we are. If I say I am going, then I must go. I have to understand the sense of the House. If I am not able to go, I will not go.

Now the Home Minister will make a submission.

Sri R. M. PATIL.—I beg to invite your kind attention to my letter which is purported to have been made under Rule 315 read with Rule 289 of the Rules of Procedure and Conduct of Business. Sri Muckannappa made certain statements by way of allegations against certain officers. I submit they deserve to be expunged. The portions are marked in the proceedings.

Chairs' order re : Expunction of certain remarks made by a member.

Mr. SPEAKER.—It has been brought to my notice that during the course of the debate on the Police demands, one of the Hon'ble Members made a specific, explicit reference to individual officers and made allegations against them. So far as such allegations are concerned, certain procedure is prescribed and Rule 289 governs the situation :

“No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of reply :

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the Assembly or that no public interest is served by making such allegation.”

(MR. SPEAKER)

I am not concerned with the proviso because that stage is over. A request has been made that these remarks which contravene the rules are liable to be expunged. The relevant Rules 315 and 316 read as follows :

“If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent, or unparliamentary or undignified, he may, in his discretion, order that such word or words be expunged from the proceedings of the Assembly.”

There is also a ruling of this House given by my learned predecessor Hon'ble Sri Kanthi. It was given on the 30th April 1958 and it is an exhaustive ruling. I read from the first column two sentences—page 2409.

“The principle is to the effect that the best usage of a legislature is to refrain from making attacks in the House on people who cannot answer back, that is, who are not in the House, and therefore, not in a position to defend themselves.”

This is the ruling dealing with officers of Government because this is how it began :

“On the 26th instant when supplementaries were being put with respect to Question No. 1841, one Hon'ble Member tried to ask if Government were aware that a particular officer was corrupt. The Speaker intervening ruled that he would not allow any allegations against individual officers to be made on the floor of the House.”

Then he gave that ruling. One more sentence is :

“An officer may be generally good, but in a particular matter may be bad. But all these matters must be brought to the notice of the Minister first, and if even then redress is not obtainable, then of course, this is the last forum for it, and all such things can be brought in.”

Then, various instances not only in India but also elsewhere have been referred to. It was presented to me that when the remark was made, when the allegations were made, it was open to the Speaker to have asked the Member to desist from making such allegations ; that was not done. I learn that the Hon'ble Deputy Speaker who was in the Chair on that day did say that the Member should not make such allegations. Anyhow, I will presume that such an observation was not made for reasons which need not be discussed. Taking it either way, violation of a rule does not validate something which should not have been done at all.

The further circumstances that were mentioned to me were that it was open to the Hon'ble Minister to have replied to that. That is

certainly not an answer. It was also mentioned that the debate being over, was it open to be taken up now? I have deeply pondered over all these things mentioned to me. I am definitely of the opinion that so far allegations that have been made are concerned, I have read them very carefully, very patiently and also thought about it very deeply. There are a few general observations couched in a rather unhappy language to put it in the least, a language which should not be used normally on the floor of the House. But what is more, I am overlooking that because it has already gone into the proceedings. So far as the allegation made personally against the wife of one of the officers is concerned I find absolutely no justification. It was not at all proper. I find that observations and allegations made against an other officer are of a very serious type; very serious; that should not have been made at all. I find one more observation made with regard to the use of a jeep by some other relative of one of the officers. There is no moral turpitude there. I would not think much of it. But, so far as the allegations against the wife of an officer are concerned, it is improper. I have directed that those observations which I have marked in the proceedings placed before me be expunged. I have brought it to the notice of the House.

Before I go to the next topic, I earnestly appeal to all the Members to adhere to the rules with regard to making allegations not permitted under the rules, without following the principles enunciated in the rules not to make interjections, running commentaries. A stray incident here and there does not matter. But, if it becomes very frequent, it detracts from the dignity and the status of the House. I would appeal to the Members, to all the Members, to please co-operate with me by adhering to the rules; otherwise, I will be compelled much against my will, to observe the rules strictly.

(Sri S. Gopala Gowda rose)

Mr. SPEAKER.—What does Sri Gopala Gowda want to say?

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಈ ವಿಷಯದಲ್ಲಿ ಸಭೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಪಡೆದುಕೊಳ್ಳಬೇಕೇ ಅಥವಾ ಪಡೆದುಕೊಳ್ಳದೆ ತಾವೇ...

Mr. SPEAKER.—He may please read the rule.

Sri S. GOPALA GOWDA.—Rule 315 says:

“If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary or undignified he may, in his discretion, order that such a word or words be expunged from proceedings of the Assembly”.

Mr. SPEAKER.—So, the rule is there.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಇದರಲ್ಲಿ ನನಗೆ ಒಂದು ಶಂಕೆಯೇನೆಂದರೆ ಅಧ್ಯಕ್ಷರು ಯಾವಾಗಲಾದರೂ ಪ್ರೊಸೀಡಿಂಗ್ಸ್‌ನಲ್ಲಿರುವ ಶಬ್ದಗಳನ್ನು ಎಕ್ಸ್‌ಪಂಜ್ ಮಾಡಬಹುದೇ? ಆದ್ದರಿಂದ ಅದಕ್ಕೆ ಏನಾದರೂ ಒಂದು ಗೊತ್ತಾದ ಪ್ರಮಾಣವಿಡಬೇಕು ಎಂಬುದೇ ನನ್ನ ಪ್ರಶ್ನೆ.

Mr. SPEAKER.—I am not allowing the Member to make a speech.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ನಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳು ಈ ವಿಷಯವನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತಂದರೇ? ಅದನ್ನು ತಾವು ನೋಡಿದ್ದೀರಾ? ಇದು ಸರಿಯಲ್ಲ ಎಂದು ಮನಗಂಡು ನಂಬಂಧಪಟ್ಟ ಭಾಗಗಳನ್ನು ವರದಿಯಿಂದ ಹೊಡೆದುಹಾಕುವುದಕ್ಕೆ ಅಪ್ಪಣೆಮಾಡಿದ್ದೇನೆಂದು ಹೇಳಿದಿರಿ. ನಾನು ತಮ್ಮ ಅಧಿಕಾರವನ್ನು ಪ್ರಶ್ನಿಸುವುದಿಲ್ಲ. ಆದರೆ ಕ್ರಮ ಸರಿಯೇ ಎಂದು ಕೇಳುತ್ತೇನೆ.

MR. SPEAKER.—He says that he is not attacking my ruling and still he is saying all this. ಮಂತ್ರಿಗಳಿದ್ದರು, ನೂತನ ಕೊಟ್ಟರು, ಅದನ್ನು ಆರೋಪನೆ ಮಾಡಿದ್ದೇನೆ ಎಂದು ಹೇಳಿದ್ದೇನೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಅವರು ಆಗ ವಿರೋಧಮಾಡಲಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ಇದಕ್ಕೆ ಪ್ರಿಸೀಡೆಂಟ್ ತುಂಬಾ ಉಂಟು, ನಾನು ನೋಡಿದ್ದೇನೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಡಿಬೇಟ್ ಮುಗಿದನಂತರ ಹೌಸ್ ಅಡ್ವಾನ್ಸ್ ಅದನಂತರ ಎಕ್ಸ್‌ಪೆಂಜ್ ಮಾಡುವುದು ಸರಿಯೇ?

ಅಧ್ಯಕ್ಷರು.—ಸರಿ, ನಾನು ಹಾಗೆ ಮಾಡಿದ್ದೇನೆ, ಇತರ ಶಾಸನಸಭೆಗಳಲ್ಲೂ ಮಾಡಿದ್ದಾರೆ. ಇದಕ್ಕೆ ವಿರುದ್ಧವಾಗಿ ಏನಾದರೂ ಪ್ರಿಸೀಡೆಂಟ್ ಇದ್ದರೆ ಹೇಳಿ. ಹಾಗಿಲ್ಲದೆ ನುಮ್ಮನೆ ಪ್ರಶ್ನೆ ಹಾಕಿದರೆ ಏನು ಪ್ರಯೋಜನ?

10-30 A.M.

Sri C. J. MUCKANNAPPA.—You have just read the letter written by the concerned Minister. The Hon'ble Speaker has bestowed his thought on the matter as to whether it has to be expunged or not or what action has to be taken. I have some doubts in mind. I just want to know what exactly is the stand that should be taken by the Chair to decide when a Member makes an allegation, whether they are facts, whether the statement made by a particular Member is supported by facts or whether it is only a baseless allegation. If you can kindly give me two or three minutes after the Tea interval, I will explain.

MR. SPEAKER.—All right. The House will now rise to meet again half-an-hour later.

The House adjourned at Thirty-two Minutes past Ten of the Clock and reassembled at Five Minutes past Eleven of the Clock.

[MR. SPEAKER in the Chair.]

Member's representation.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮೀ, ರೂಲ್ಸ್ ಆಫ್ ಪ್ರೊಸೀಜರು 289ರ ಪ್ರಕಾರ ಯಾರಾದರೂ ಯಾವ ಆಲೋಚನೆಯನ್ನು ಮಾಡಬೇಕಾದರೂ ತಮ್ಮ ಸರ್ವಿಸನ್ನು ತೆಗೆದುಕೊಂಡು ನಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳಿಗೆ ಮೊದಲೇ ಹೇಳಿ ಮಾಡಬೇಕೆಂದರೆ ಹೇಗೆ? ನಾನು ತಮ್ಮ ತೀರ್ಮಾನದ ಬಗ್ಗೆ ಪ್ರಶ್ನೆ ಮಾಡುವುದಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ. ಒಂದು ತಿಂಗಳಾದ ಮೇಲೆ ನಂಬಂಧ ಪಟ್ಟ ಮಂತ್ರಿಗಳು ಕೇಳಬಹುದೇ? ತಾವು ಆಗ ಇದ್ದಿರಿ ಎಂದು ನನ್ನ ಭಾವನೆ.

MR. SPEAKER.—Is he sure that I was present?

Sri C. J. MUCKANNAPPA.—That is my feeling.

MR. SPEAKER.—I would ask him to verify and then tell me.